

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 20, 2001

IN RE:

ALL TELEPHONE COMPANIES TARIFF
FILINGS REGARDING
RECLASSIFICATION OF PAY
TELEPHONE SERVICE AS REQUIRED BY
FEDERAL COMMUNICATIONS
COMMISSION (FCC) DOCKET 96-128

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DOCKET NO. 97-00409

ORDER GRANTING MOTION TO COMPEL

This matter came before the Pre-Hearing Officer for consideration of the *Motion to Compel United Telephone-Southeast to Respond to Discovery* ("Motion") filed by the Tennessee Payphone Owners Association ("TPOA") on September 10, 2001.

In its Motion, TPOA contends that "United has failed to provide payphone specific and PTAS-specific cost data needed by TPOA to establish direct costs of PTAS service."¹ TPOA specifically objects to United's responses to Request Nos. 11(a), 11(b), and 18(c). United Telephone-Southeast, Inc. ("United") did not file a response to the Motion.²

Request No. 11 provides:

11. Refer to p. 3. Provide the following information for the costs shown on lines 1 through 4:
 - (a) Identify the cost as being specific to PTAS service or not specific to PTAS service. If [United] asserts that it is appropriate to use a cost that is not specific to PTAS service

¹ *Motion to Compel United Telephone-Southeast to Respond to Discovery*, p. 1 (filed Sept. 10, 2001).

² Rule 1220-1-2-.06(2) provides: "Any party opposing a motion shall file and serve a response within seven (7) days after service of the motion." The certificate of service attached to the Motion lists the service date as September 10, 2001; therefore, responses were due on September 17, 2001.

- when developing a cost-based rate for PTAS, explain in detail why the cost in question is appropriate for use in this manner.
- (b) For all costs that are specific to PTAS, describe in detail how the calculation of cost was conducted in order to be PTAS-specific.³

United provided the following response to Request No. 11:

- (a) Line 1: PTAS Loop Cost - Payphone Specific
Line 2: NID Cost - Payphone Specific
Line 3: Line Termination Cost - Payphone Specific
Line 4: Blocking and Screening - Payphone Specific
- (b) Line 1: PTAS Loop Cost - The PTAS Loop Cost was developed by weighting the average loop cost for each United wire center by the number of payphone lines in that wire center to develop a statewide PTAS Loop Cost for United. The Calculation can be found on page 39 of United's cost study.
Line 2: NID Cost – NIDs used for payphone service were used in the cost study.
Line 3: Line Termination Cost – This rate represents the material cost for the payphone line card, the main distribution frame and protection. The payphone line card provides coin control and answer supervision capabilities. The calculation can be found on page 95 of United's cost study.
Line 4: Blocking and Screening – This rate is calculated using the SCIS/IN feature cost model. SCIS/IN feature input requires screening busy hour calls per line, digits per call and if screened calls are diverted to tone or announcement. Blocking and screening input is developed based on aggregate data.⁴

TPOA asserts that United's responses are not responsive to the requests. As to subsection (a), TPOA asserts that "United's answer to question 11(a) refers to 'payphone costs' not the costs of PTAS service."⁵ As to subsection (b), TPOA contends the response is not responsive to the question because "United's answer states that the 'PTAS Loop Cost'

³ *First Set of Data Request From Tennessee Payphone Owners Association to Sprint/United Telephone-Southeast, Inc.*, p. 7 (filed Jun. 22, 2001).

⁴ *United Telephone-Southeast, Inc.'s Response to First Set of Data Requests*, Question 11 (filed Jul. 27, 2001).

⁵ *Motion to Compel United Telephone-Southeast to Respond to Discovery*, p. 1 (filed Sept. 10, 2001).

used in the company's cost study is based on 'average loop cost for each United wire center' rather than on PTAS-specific costs."⁶

Request No. 18(c) provides:

18. Refer to p. 35. For each exchange listed in the left-hand column, provide the following information:

....

(c) The average length of a loop in that exchange used to provide "pay telephone" service, as that term is used at p. 8 of the cost study.⁷

In response to Request No. 18(c), United refers the reader to its response to Request No. 18(a), which refers to a proprietary file on the CD-ROM filed along with United's responses.⁸ TPOA contends United's response is not responsive to the request because the material referenced contains information for all voice grade loops, not payphone loops.⁹

The Pre-Hearing Officer finds that TPOA's interpretations of United's responses are reasonable. TPOA requests that United be ordered to provide payphone and PTAS specific information or explain why such is not available. Given the reasonableness of TPOA's interpretations, the Pre-Hearing officer concludes that TPOA should be afforded the relief requested.

IT IS THEREFORE ORDERD THAT:

United Telephone-Southeast, Inc. shall provide the information requested in Request Nos. 11(a), 11(b), and 18(c) of the *First Set of Data Request From Tennessee Payphone Owners' Association to Sprint/United Telephone-Southeast, Inc.* or explain why the information is not available. United shall provide the information and/or explanation


⁶ *Id.* at 1-2.

⁷ *First Set of Data Request From Tennessee Payphone Owners' Association to Sprint/United Telephone-Southeast, Inc.*, p. 10 (filed Jun. 22, 2001).

⁸ See *United Telephone-Southeast, Inc.'s Response to First Set of Data Requests*, Question 18 (filed Jul. 27, 2001).


⁹ See *Motion to Compel United Telephone-Southeast to Respond to Discovery*, p. 1 (filed Sept. 10, 2001).

to the Tennessee Payphone Owners Association and file the information and/or explanation with the Tennessee Regulatory Authority on or before **Thursday, September 27, 2001.**



H. Lynn Greer, Jr., Director acting as
Pre-Hearing Officer

ATTEST:



K. David Waddell, Executive Secretary